

Present at Meeting on December 8, 1976:

The Attorney General (AG)
Mrs. Letelier (Mrs. L)
Michael Tigar (MT)*
Marcus Raskin (MR)*
Saul Landau (SL)*
Eugene Propper (EP)+

J. Stanley Pottinger (JSP)
J. Waldman (JW)+
Richard Barnett (RB)*
Peter Weiss (PW)*
James Reynolds (JR)+
Maurice Rosenberg (Myself)

LETELIER INVESTIGATION

The meeting, which was held at the request of Mr. Raskin, began at 2:30 p.m. and lasted until 3:45 p.m.

MT: Referred to Letters Rogatory and said Rule 28 (b) is broader than Section 1781. Thus, if a civil suit were begun -- which someone undoubtedly is prepared to bring -- broader discovery would be possible. He then spoke of three concerns agitating his group. First, they are troubled by the impending change in administration, which will disrupt the continuity of the investigation. [To assure continuity], under the C.F.R. the AG can create a Special Prosecutor. He suggested that before doing this the AG could consult with the incoming administration and the Special Prosecutor's appointment would then serve to bridge the transition. Second, with respect to Bosch, he referred to a deposition taken in Florida in an unrelated state case in which it was testified that there were military explosives (C4) involved. He said that this pointed to the urgency of using the grand jury process to conduct investigations. In that manner, Bosch could be questioned as to CIA contacts and as to the [redacted] involvement. Third, in the wake of the Angolan affair, he discerned a change in U. S. attitude and encouragement to Cuban terrorists and terrorism.

Mrs. L: "What shall I tell the media when I appear on T.V. later today and they ask me about this matter?"

AG: Obviously cannot tell Mrs. Letelier what to say, or discuss a pending investigation. Nor can he lend

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words to her. She would have to say how she herself felt.

EP: Registered shock at the depositions given in the Florida state proceeding by an FBI agent (?).

MT: Surprising, because the C.F.R. does not authorize federal agents to testify without AG approval.

EP: Responding to comment [redacted]

[redacted] We have not determined it was a C4 explosive. Besides, a C4 explosive is easier to bring into the country than is sometimes supposed.

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AG: (Referring to MT's comments) -- We understand MT wants to subpoena CIA people to compel their testimony.

2:40 p.m.: JSP arrived.

MT:

[redacted] A subpoena gives sanction to force them to be more forthcoming.

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MR: Pursuing MT's point, over the last 25 years various groups in Government have set up their own rules and regulations, etc., shading off into criminal activity. This has become quite public in the last 5, 6, 7 years. The question is, are the victims in this tragedy dead because of those developments. Sticking to the particular case, what is the relation of CIA operations to the bombing? What ways are there of developing the facts? We want a Special Prosecutor, "not to deprecate the work of the Department of Justice," but to prove out or reject the possibility of CIA involvement.

MR: (continuing): Am "presumptuous enough to suggest": If you determine a Special Prosecutor is necessary you might speak to the President-elect and the President and tell them about the matter and its special needs. We have had discussions and letters with people on the Carter staff and they have expressed great interest in the investigation. (He indicated that their interest was sympathetic.)

AG: Said he saw the problem quite differently. First, as to the Special Prosecutor, if you are worried about the impact of the changeover, the assurances you have reported should assuage your concern. Second, the case is progressing. It looks different from inside than outside. It would be very dramatic to appoint a Special Prosecutor. However, no step would be better calculated to achieve delay than to appoint a Special Prosecutor. Delay would be after consideration the consequence. The Special Prosecutor would, probably refuse to take the case, but he would have to spend time to become familiar with it, etc. Third, there is no reason to lack confidence in the way the matter is being investigated. So much for the Special Prosecutor suggestion.

As far as the other suggestion, with respect to proceeding against the CIA. He said he did not share their view that approaching the CIA through subpoenas or the courts was the way to do it. We have been working with the CIA and getting information from them. They have supplied it in many ongoing investigations. My judgment is that there is nothing wrong with the cooperation we are obtaining from CIA in this case. We can get more information by continuing the cooperation than if we get them under subpoena. It is possible at some stage if one is not sure or encounters roadblocks to adopt a different course.

PW: As long as questions are being asked and answers are forthcoming, it may not be necessary to invoke the grand jury or Special Prosecutor procedures, just as the AG says. However, in deciding, it would make a big difference if we knew that the questions being asked sought not only information from the CIA but possible complicity.

AG: We haven't seen any stone-walling. You would not know any more if a grand jury were sitting than you do now. You might feel more trust, of course. Our job is to resolve this crime wherever the tracks lead. Haven't seen any barriers placed in our way. Conversations with EP always raise the question whether he has any obstacles or needs any help. Rosenberg has been following this closely with me. We have no interest in anything except getting it solved. We have responsibilities to do so and to follow the leads. Any glimpse of anything we detect will be followed.

PW: What about Bosch? Why not try to extradite him?

EP: An attempt was made to extradite Bosch within 10 days of his arrest. You can't know all the steps we have taken. As to the CIA, it has an interest in this case which is quite different from the suggestions made. This is the first assassination on American soil and it appears to have been done by a foreign citizen. The CIA wants very badly to solve it. We have eliminated in the investigation any political connection except relations between Chileans and Cubans. [SL, who took many notes, wrote this down with noticeable energy.]

MR: (Answering EP) -- There were two assassinations of foreign diplomats in the United States, one in 1951 and another a few years ago (an Israeli consul).

SL: [REDACTED] We can't say they would have been terrorists, or blown up the Cuban airliners, made attacks on fishing vessels, etc., without that training.

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AG: I don't ask you to give up your doubts. But at this point we do not see obstacles to getting the information. Bush himself is most anxious that the case be solved. I got a telephone call from him urging the FBI to get into this in as full a way as possible. As far as obstacles, as soon as anyone raises any difficulties, we will know it.

PW: Could it be that there is a conspiracy in the CIA that excludes Bush?

EP: Further on the CIA-Cuban connection, although they supported the Bay of Pigs expedition, remember that national interest changes. The fact that they trained the Cubans does not mean that they remain friends with them or still see these Cubans as advancing our national interests.

MR: Paradoxically, the shift of U.S. policy away from Chile and away from support of its present government makes it more difficult to get at the truth, because so many in the American Government are involved with people in the present Chilean government (and want to protect them).

AG: My judgment is that there are important leads to be pursued in this case. Any diversion would be a mistake. If these leads don't pan out we will have to approach the investigation in a different way.

JSP: My experience in investigating secret police organizations persuades me there are three possibilities here: they are not involved; they are indirectly involved because of setting in motion the ones who did the bombing; they are directly and consciously involved. If the non-involvement hypothesis is correct, to proceed against them by subpoena would contradict [sic; interdict?] efforts now being made by them in a cooperative way. If hypothetically the second or third alternative is true, premature action to force evidence from them would cut off the possibility that compartmented information would turn up. It would be less likely to. General suspicions are not enough.

MT: Disagree. I've been on the receiving end of subpoenas. [Then it sounded to me as if he said by way of illustrating how sweeping the investigation was: "The subpoena server said: 'We'll have U-Haul down at you-all's office.'"]

MT: Questions for Bosch would be: [redacted] EO25x1 to what extent did the CIA after the Bay of Pigs maintain spooks throughout this hemisphere?

SL: [redacted] We have from a very high level source that Bosch then cried and pleaded with the Venezuelan authorities not to be returned to the United States. EO25x1

MT: Doesn't agree with JSP that it would change the whole investigation to make the CIA a target.

MR: Sees the whole intelligence community (including the Defense intelligence community) as possibly involved. The FBI is involved directly with embassy officials here for purposes of (?inaudible) and co-optation. The army is also involved. There is a massive involvement, as seen through the prism of this case, and through the perception of the whole national security apparatus. But the question remains: how shall we solve this case.

AG: Repeated what he had been saying: follow the leads. Let the investigation go ahead. Reiterated that he is not for a Special Prosecutor or for issuing subpoenas to the CIA.

JSP: Is there any sense of momentum or is the investigation at a dead standstill? Asked EP to say what he would do if he were Special Prosecutor.

EP: I don't consider the CIA in any way involved, [redacted]

Myself: We have offered EP help to put the full force of Government behind the investigation in any way we can.

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MR: Get the Ambassadors at work.

EP: We have done so. We are dealing with the CIA through the FBI. The CIA is giving good help.

JSP: Is there anything being done now that would preclude later approaches against the CIA.

EP: No.

AG: If there were foot-dragging, I would go to see the President the next day.

EP: We have been using the grand jury, [contrary to MT's insistence that the solution is to impanel the grand jury].

AG: It's a miracle [that there have been no leaks from the grand jury]. There might be something developing in another month. [That last was uttered not as a promise or prediction so much as a hope.]

The meeting ended at 3:45. Mrs. Letelier and Mr. Weiss had left first pleading that they had to catch a 4:00 plane.